



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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SUBJECT: School Meal Applications and Direct Certification During the  
Operation of Provision 2 and Provision 3

TO: Regional Directors  
Special Nutrition Programs  
All Regions

Under Provision 2 and Provision 3, school food authorities (SFA) make eligibility determinations for participating students during the base year of operation. The data gathered from the base year is used to generate reimbursement during each subsequent year, or non-base year, that the school continues to operate under the Provision.

We have received several inquiries regarding the collection of eligibility information during a Provision 2 or Provision 3 cycle. Listed below are four issues and responses:

1) If a school or SFA operating under Provision 2 or 3 collects and processes meal applications from households and/or conducts direct certification during a non-base year, does the school have to use the information?

Yes. Because households have completed applications or had their participation in other programs confirmed through direct certification for the purposes of meal benefits, the school must conduct meal counting and claiming by type at the point of service, or approved alternate, during that school year. Essentially, this becomes the new base year and new claiming percentages are established for the new cycle.

*Exception:* An exception is allowed when the school does not operate Provision 2 or Provision 3 for all meal programs offered by the SFA. For example, a school may operate the School Breakfast Program (SBP) under Provision 2 and operate the National School Lunch Program (NSLP) under standard meal counting and claiming procedures. In this example, the school would continue using base year claiming percentages for the SBP during non-base years. For the NSLP, they would make annual eligibility determinations and take meal counts by type at the point of service, or approved alternate.

2) May a school or SFA which has a food service operating under Provision 2 or Provision 3 continue to collect income or Food Stamp/TANF/FDPIR information from households during the non-base years **for other purposes**, such as textbook assistance?

Department of Agriculture regulations do not cover a school district's authority to collect information about household income or participation in other assistance programs for purposes other than meal benefits. However, if a school or SFA collects such information for non-NSLP or non-SBP purposes, the applications may not be labeled as meal applications or give any indication that meal benefits are contingent upon a household returning the application. In addition, because information about household income or information about participation in other assistance programs is not a requirement for NSLP or SBP purposes during non-base years, funds in the nonprofit school food service account may not be used to pay the costs associated with collecting and processing such information. Likewise, State agencies must not use State Administrative Expense funds to develop forms or procedures or to process eligibility material for purposes other than the approved child nutrition programs.

3) May a school or SFA which has a food service operating under Provision 2 or Provision 3 continue to conduct direct certification during the non-base years for other purposes, such as textbook assistance?

No. The National School Lunch Act authorizes student matches with the Food Stamp Program, Temporary Assistance for Needy Families and the Head Start Program only for use in determining eligibility for the NSLP and SBP. During the non-base years, such information is not necessary for operation of the NSLP or SBP and direct certification may not be conducted under National School Lunch Act authority.

4) May a school or SFA which has a food service operating under Provision 2 or Provision 3 collect applications for meal benefits and/or conduct direct certification during non-base years for the purpose of requesting an extension of the provision?

Yes. Schools and SFAs may collect free and reduced price meal applications and/or conduct direct certification to develop socioeconomic data of the school's population for purposes of requesting an extension. Please note that this is a data collection process to establish the socioeconomic level of the school's population and does not require meal counts. The collection of free and reduced price meal applications and/or direct certification for extension purposes must be limited to the final school year in the Provision 2 or Provision 3 cycle.

Please share this information with your State agencies. If you have any questions regarding this issue, please contact Todd Barrett at 703-305-2688.



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